

Minutes from the Town of Trenton Plan Commission Meeting

Date and Time: Tuesday, October 9, 2018 – 7:30 P.M.

Place: Town of Trenton Town Hall, 1071 STH 33 East, West Bend, WI 53095

Prior to the Plan Commission Meeting, the meeting notice was properly posted.

Pledge of Allegiance:

Vice Chairman Schweizer asked those in attendance to join in reciting the Pledge of Allegiance.

Call to Order:

Schweizer called the meeting to order at 8:45 P.M. following the three scheduled Public Hearings.

Affidavit of Posting:

Schweizer read the affidavit of posting, noting that the meeting agenda had been properly posted.

Plan Commissioner Roll Call:

Present: Scott Schweizer, Bob Roden, Jerry Carmody, Dennis Kay, Joan Baumgartner, Zoning Administrator Barbara Davies. Excused: Chairman Gonnering, Ray Werhand.

Town Board Supervisors in Attendance:

Ed Doerr, Jeff Esselmann.

Approve the Agenda:

It was moved by Joan Baumgartner and seconded by Jerry Carmody to approve the Agenda for the meeting.

Voting in favor: 5. Opposed: 0.

Approve the Minutes of the September 11, 2018 Plan Commission Meeting:

It was moved by Dennis Kay and seconded by Jerry Carmody to approve the Minutes of the September 11, 2018 Plan Commission Meeting. Voting in favor: 5. Opposed: 0.

Approval of Resolution Z2018-10-01, Comprehensive Plan Amendment and Accompanying Rezoning Petition, Glenn and Kathy Doman:

It was moved by Joan Baumgartner and seconded by Bob Roden to approve Resolution Z2018-10-01, comprehensive plan amendment and rezoning petition filed by Glenn and Kathy Doman. Voting in favor: 5. Opposed: 0.

Recommendation to the Town Board, Ordinance Z2018-10-01, Comprehensive Plan Amendment and Accompanying Rezoning Petition, Glenn and Kathy Doman:

It was moved by Dennis Kay and seconded by Joan Baumgartner to recommend approval of Ordinance Z2018-10-01, Comprehensive Plan Amendment and Accompanying Rezoning Petition filed by Glenn and Kathy Doman, to the Town Board. Voting in favor: 5. Opposed: 0.

Preliminary Land Division Consultation, Dale and Carla Schneider, Wallace Lake Road:

No action taken – no representative present. Barb Davies will contact Schneiders prior to the November Plan Commission meeting.

Recommendation to the Town Board, Conditional Use Permit Application for Amendment of Existing Conditional Use Permit, Seoul Creek Farm, Courtney Fromm, Owner:

Barb Davies read Plan Commissioner Ray Werhand's comments regarding Fromm's application for amendment to her existing Conditional Use Permit. Chairman Joe Gonnering, also absent from the meeting, had asked about the real estate tax and personal property tax status of the property. Davies called Assessor Grota Appraisals for an answer. The real estate is assessed based on the value of the land and improvements; Fromm has declared no taxable personal property at the site. The Town is not receiving any additional tax revenue because of Fromm's current operations. Dennis Kay commended both Fromm and Pechsteins, opposed to her application, on good presentations. Kay suggested a site visit before making a recommendation on the application. Jerry Carmody agreed with the idea of a site visit. Several of the Commissioners stated that they would not object to visiting Fromm's property as well as the property of the neighbors opposing the amended permit, John and Ann Pechstein. Bob Roden stated that there are horse stables in a lot of other areas. Roden was in favor of allowing the amendments sought by Fromm, and was not in favor of restricting the use. Roden added that he thought it was an appropriate use of a parcel in this area.

Joan Baumgartner asked about a landscaping plan for the area between the driveway and the arena. Fromm answered that a plan could be provided.

Jerry Carmody asked if erosion is an issue. Fromm answered that it is not an issue in the areas for which future plans are being considered. Fromm stated that a wetland delineation may be required by Washington County.

Town Attorney Tim Schoonenberg asked if the Plan Commission finds that the use(s) in the proposed amended application is an agricultural use. Plan Commissioners voting yes, it is an agricultural use: 5. Voting no, not an agricultural use: 0.

Bob Roden asked how many horse shows are currently held in a year at the Fromm's property. Fromm answered that there were two shows in 2018; she is applying to expand that number to four outdoor shows a year, and five to six indoor shows a year.

Scott Schweizer asked for clarification on the intercom system. Fromm described the system she hopes to install.

Dennis Kay requested a spreadsheet showing the proposed dates for all the horse show activities, including setup days, show days, take-down days, etc. Kay stated that will make it easier for the Plan Commission to analyze the application.

A preliminary review of the 2009 Conditional Use Permit was started but not completed pending receipt of the information requested by the Plan Commissioners. Courtney Fromm will submit the requested spreadsheet

and additional information for the November 13, 2018 Plan Commission Meeting. The Plan Commissioners will make arrangements to visit both the Fromm property and the Pechstein property.

It was moved by Dennis Kay and seconded by Joan Baumgartner to table action on Fromm's application to the Plan Commission Meeting of 11/13/18 to allow time to receive additional requested information and conduct site visits. Voting in favor: 5. Opposed: 0.

Recommendation to the Town Board, Conditional Use Permit Application, Fromm Grading & Excavating, Douglas Fromm, Owner:

Barb Davies read Ray Werhand's comments on Fromm's application. Scott Schweizer said that he had problems with issuance of two (2) Conditional Use Permits on one property. Fromm Grading and Excavating is based at 1896 CTH NN, as is Seoul Creek Farm, owned by Courtney Fromm. Town Attorney Tim Schoonenberg asked Attorney Callaghan why Fromm has applied for three employees and an apprentice when, under the 2009 currently-existing Conditional Use Permit for a home-based based business he is limited to one employee. Section 380-48(J), the section of Town Ordinances applicable to Fromm's current application, does not allow any employees to report to the site. The home-based business section of the ordinances was discussed. Attorney O'Callaghan referenced Section 380-56, allowing one employee. Schoonenberg and O'Callaghan discussed several sections of the Town Ordinances that, according to O'Callaghan's interpretation, would allow the Town Board to approve more than 1 employee. Discussion followed. Dennis Kay asked for confirmation that the request is to increase people, not equipment. A discussion on employees and under what circumstances a person is an "employee" followed.

Attorney Schoonenberg provided the following definition of an employee: "Any person who is compensated in any way, whether directly or indirectly, to provide labor for the business."

It was moved by Bob Roden and seconded by Jerry Carmody to allow two Conditional Use Permits to be issued for one property. Voting in favor: 4 (Roden, Baumgartner, Kay, Carmody). Opposed: 1 (Schweizer).

Attorney Schmitzer, representing the Pechsteins, asked if it was anticipated that equipment would be moved on and off site. Attorney O'Callaghan answered yes. Schmitzer asked what authority allowed that action. O'Callaghan stated that the March 2017 Town Board Minutes approved that activity. It was moved by Bob Roden and seconded by Joan Baumgartner to recommend approval of Doug Fromm's Conditional Use Permit application with the following change: only one employee is to be allowed to report to the site at 1896 CTH NN. Voting in favor: 5. Opposed: 0.

Discussion/Continuing Work on New Draft Ordinance Chapter 380-94, Accessory Buildings:

A short discussion took place on the size of sheds to be allowed on lots of less than one acre (legal nonconforming, R1 zoning). Sheds will not be allowed to be placed in front of homes in CES-10 zoning. Discussion will continue November 13, 2018.

Reports:

Barb Davies had nothing further to report.

Questions and Comments:

None.

Review of and Correspondence received:

None.

Adjournment:

It was moved by Jerry Carmody and seconded by Joan Baumgartner to adjourn the meeting at 10:10 P.M.

Voting in favor: 5. Opposed: 0.

Respectfully Submitted,

Barbara Davies

Clerk of the Plan Commission

Affidavit of Posting: These Minutes were posted at the Town of Trenton Town Hall Bulletin Board on Tuesday, October 16, 2018. Barbara J. Davies, Clerk of the Plan Commission Subject to Approval: These Minutes will be considered for approval by the Plan Commission at its November 13, 2018 Meeting.